

### III. REMARKS

Claims 1-32 are pending in this application. Claims 1, 3, 8, 11, 14, 16, 19, 21, 23, 28, and 30 have been amended, and no claims have been cancelled. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious allowance of the claimed subject matter. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation and/or divisional patent applications. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-13 are rejected under 35 U.S.C. § 101 as lacking the necessary physical articles or objects to constitute a machine or manufacture within the meaning of § 101. Applicants have amended independent claim 1 accordingly, to recite the physical structures of “at least one processing unit; memory operably associated with the at least one processing unit; and a data mining system storable in memory and executable by the at least one processing unit, the data mining system comprising...” (claim 1, lines 2-5). Applicants have also amended Claims 8 and 11 to recite analogous structural elements (*see* claim 8, lines 3-6; claim 11, lines 3-6). Applicants respectfully submit that these amendments provide the necessary physical articles or objects to cure the defects forming the basis of the rejections under § 101, and accordingly requests that the rejections to claims 1, 8, and 11 be withdrawn. With respect to dependent claims 2-7, 9-10, and 12-13, Applicants submit that these claims incorporate the physical structure limitations added to independent claims 1, 8, and 11 from which they depend, and are patentable on the basis of the same. Accordingly, Applicants request withdrawal of the rejections under § 101 to claims 2-7, 9-10, and 12-13 as well.

In the Office Action, claims 1-4, 7-9, 11-12, 14-15, 19, 21-24, 27-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thearling (US Pat. No. 6,240,411, hereinafter, “Thearling”) in view of Van Huben (US Pat. No. 6,094,654, hereinafter, “Van Huben”), and as being unpatentable over Thearling in view of Miller (US Pat. No. 6,826,556, hereinafter, “Miller ‘56”).

With respect to claim 1, Applicants have amended this claim herein, and respectfully submit that the combinations of Thearling and Van Huben, and Thearling and Miller ‘56 both fail to teach each and every element of the claimed invention as recited herein, including, for example, “a customized model system for generating and ranking customized data mining models ... wherein the customized data mining models are generated in parallel using multiple iterations” (claim 1, lines 8-10 (emphasis added)).

In the current Action, the Office asserts that Thearling teaches this feature, citing col. 8, lines 25-30, which recites in relevant part, “storing whatever parameters are necessary to regenerate and run the model against one or more records in a database.” Applicants respectfully submit, however, that the “regenerating” described above fails to teach or suggest the feature of “generat[ing] ... using multiple iterations” of claim 1. Whereas Thearling’s “regenerating” entails a single subsequent generation of a relevant model, “generat[ion] ... using multiple iterations” as claimed herein has a different, specific meaning. To wit, Merriam-Webster Dictionary defines “iteration,” as “the repetition of a sequence of computer instructions a specified number of times or until a condition is met” (Merriam-Webster Online Dictionary, “iteration,” <http://www.merriam-webster.com/dictionary/iteration> (last visited December 3, 2007) (emphasis added)). The feature of “a customized model system” as recited in claim 1 specifically requires the use of “multiple iterations.” Accordingly, Thearling’s teachings of a

single subsequent model generation fail to disclose the feature of “generat[ing customized data models] in parallel using multiple iterations,” recited in claim 1. Nothing in cited passage or the balance of Thearling teaches or suggests the use of more than a single subsequent iteration of a data mining model.

Applicants further note that this position is supported by the fact that Thearling teaches the feature of “... storing whatever parameters are necessary to regenerate and run the model against one or more records in the database...” (Col. 8, lines 26-28 (emphasis added)). The use of the phrase “run the model,” (*id.*) referring to a single, static model, indicates that Thearling does not contemplate a system capable of repetitively generating customized data models in parallel using multiple iterations based on permutations of at least one of the user data, business parameters and a set of model generation algorithms.

As discussed above, Thearling clearly fails to teach each and every feature of the invention recited in claim 1. Applicants further submit that Van Huber and Miller ’56 fail to cure the defects in the rejection left by Thearling. This assertion is supported by the fact that the Office does not rely on Van Huber or Miller to teach the features described above, which Thearling fails to teach. Accordingly, Applicants submit that the rejection of claim 1 under § 103(a) is not proper, and respectfully request its withdrawal.

With respect to independent claims 8, 11, 14, 19, 21, 28, and 30, Applicants note that each claim includes features similar in scope to those already addressed above with respect to claim 1, and has been amended analogously herein. Further, the Office relies on the same arguments and interpretations of Thearling, Van Huber, and Miller ’56 as discussed above with respect to claim 1. To this extent, Applicants herein incorporate the arguments presented above

with respect to claims 8, 11, 14, 19, 21, 28, and 30, and respectfully request withdrawal of the rejections of these claims for the above-stated reasons.

With respect to dependent claims 2-4, 7, 9, 12, 15, 22-24, 27, 29, and 31, Applicants respectfully submit these claims are allowable for reasons stated above relative to independent claims 1, 8, 11, 14, 19, 21, and 30, as well as for their own additional claimed subject matter. Applicants note that claims 3 and 23 have been amended for purposes of improved clarity only. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 103(a) to claims 2-4, 7, 9, 12, 15, 22-24, 27, 29, and 31.

In the Office Action, dependent claims 5-6, 10, 13, 17-18, 20, 25-26, and 32 are also rejected under 35 U.S.C. § 103(a). Claims 5, 10, 13, 18, 20, 25, and 32 are rejected as being unpatentable over Thearling in view of Van Huben and further in view of Mani (US Pat. No. 6,677,963, hereinafter, “Mani”) and Hofmann (US Pat. No. 6,687,696, hereinafter, “Hofmann”), as well as over Thearling in view of Miller ’56 and further in view of Mani and Hofmann. Claims 6, 17, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thearling in view of Van Huben and further in view of Miller (US Pat. No. 6,553,366, hereinafter, “Miller ‘66”), and over Thearling in view of Miller ’56 and further in view of Miller ’66. Claims 13, 20, and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thearling in view of Van Huben and further in view of Mani and Hofmann.

With respect to dependent claims 5-6, 10, 13, 17-18, 20, 25-26, and 32, Applicants respectfully submit these claims are allowable for reasons stated above relative to independent claims 1, 8, 11, 14, 19, 21, and 30, as well as for their own additional claimed subject matter. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 103(a) to claims 5-6, 10, 13, 17-18, 20, 25-26, and 32.

In the Office Action, claims 11-13, 16, 19, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Thearling in view of Van Huben and further in view of King Jr., et al. (US Pub. No. 20020042731, hereinafter, “King”), and over Thearling in view of Miller ’56 and further in view of King.

With respect to independent claims 11, 19, and 30, Applicants note that each claim includes features similar in scope to those already addressed above with respect to the rejections to these claims over Thearling in view of Van Huben and Miller ’56. Further, the Office relies on the same arguments and interpretations of these references, particularly Thearling, as discussed above. To this extent, Applicants herein incorporate the arguments presented above with respect to the rejections over Thearling in view of Van Huben and King, and Thearling in view of Miller ’56 and King. Applicants further respectfully submit that King also fails to cure the defects in the rejections, which are discussed above. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 11, 19, and 30 for the above-stated reasons.

With respect to dependent claims 12-13, and 16, Applicants respectfully submit these claims are allowable for reasons stated above relative to independent claims 11 and 14, as well as for their own additional claimed subject matter. Applicants note that claim 16 has been amended for purposes of improved clarity only. Accordingly, Applicants respectfully request that the Office withdraw the rejections under 35 U.S.C. § 103(a) to claims 12-13 and 16.

#### IV. CONCLUSION

Applicants respectfully submit that the Application as presented is in condition for allowance. Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

/Hunter E. Webb/  
Hunter E. Webb  
Reg. No. 54,593

Date: December 6, 2007

(JMT)

Hoffman, Warnick and D'Alessandro, LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
Phone: (518) 449-0044  
Fax: (518) 449-0047